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Carla Varriale, Esq.
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Hearing Date: February 21, 2017
Hearing Time: 10:50 a.m.

*Attorneys for Club Ventures Investments, LLC
d/b/a DavidBartonGym in a negligence action*

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

CLUB VENTURES INVESTMENTS LLC,

**DECLARATION OF
CARLA VARRIALE**

Chapter 7
Case No. 17-10060-shl

Debtor.
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CARLA VARRIALE, ESQ., an attorney duly admitted to practice law before the Courts of the United States District Court for the Southern District of New York, hereby affirms the following:

1. I am associated with HAVKINS ROSENFELD RITZERT & VARRIALE, LLP., attorneys for defendant Club Ventures Investments, LLC, d/b/a DavidBartonGym (“DBG”) in a negligence action pending in Supreme Court, New York County under index number 150695/2013 (“the Action”), which relates to an accident that allegedly occurred on April 23, 2012. As such, I am fully familiar with the facts and proceedings set forth herein.

2. This Declaration is submitted in relation to the motion of movant Scott Barbuto – who is the plaintiff in the Action – for entry of an Order granting him relief from the automatic stay imposed on the Action by way of the instant bankruptcy filing. This Declaration is

submitted primarily to ensure that any Order lifting the stay limits any recovery by Mr. Barbuto against DBG in the Action to the proceeds of the available insurance coverage.

3. As set forth in the document annexed hereto as **Exhibit "1,"** as of the date of Mr. Barbuto's alleged accident, DBG was insured by a commercial general liability insurance policy issued by National Casualty Company with a policy limit of \$1,000,000 per occurrence. DBG was also insured by a commercial excess liability policy issued by National Casualty Company with a limit of \$10,000,000 per occurrence, as set forth in the document annexed hereto as **Exhibit "2."**

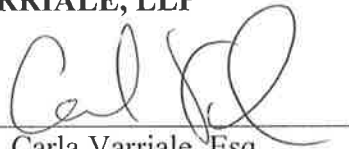
4. Also, there are unresolved issues relating to the exercise equipment at issue in the Action as it relates to its preservation and storage. The parties have yet to resolve these issues.

WHEREFORE, it is respectfully requested that the instant application be granted in its entirety, together with any further relief this Court deems fair and equitable.

Dated: New York, New York
February 14, 2017

**HAVKINS ROSENFELD RITZERT
& VARRIALE, LLP**

By: _____


Carla Varriale, Esq.

Attorneys for Defendant

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